

ACCESSIBILITY ADVISORY COMMITTEE

Minutes



Date & Time: Thursday, April 28, 2016 at 3:00 P.M.

Location: Sun Metro Transit Operations Center at 10151 Montana

Agenda Minutes

I. Welcome/Roll Call

Meeting was called to order at 3:11 pm with following members present.
Committee introduced themselves, as well as city employees that were present.

Member	Appointment	Present
Frank Lozano	District 1	
Soledad Basoco	District 2	Present
Michelle Adjemian	District 3	Present
Lori Vugteveen	District 4	Present
Mary Alice Gary	District 5	
Mary Castillo	District 6	
Karl Kevin Glancey	District 7	
Paul de la Peña	District 8	
George Zavala	Mayor	Present
Julio Perez	Secretary	Present

Also present: Mr. Juan Gonzalez from the City Attorney's Office.

II. Call to the Public – Public Comment

Julio Perez read the agenda to the public. John Ager (constituent) wants to encourage the committee to replace a member if they continue being absent.

III. Business Items

Approval of February 25th, 2016 Minutes: Motion passed to approve minutes.

IV. Discussion

A. Update: CDBG Grant Application

- Julio Perez applied for funding from District 6 & 7; unfortunately not enough funding was available. Some areas did not meet the standards for new sidewalks. Though some of these projects are not covered by CDBG grants, they will continue to be considered as funding becomes available; they will not be forgotten. He reminded the public that CDBG grants are down per City Attorney's Office. Lots of applications were submitted.
- People asked why funding went down? Answer: Specific answer is not known but Government has been cutting funding throughout.
- Julio mentioned that every year funding is available for 2 districts at a time.

B. Update on new funding approved for on-demand sidewalk/curb ramp requests

- City approved 500,000 thousand dollars. May 4th the contractor will start fixing sidewalks by request. More requests are being submitted

C. Carried from previous agenda: Create a City Ordinance allowing City to enforce ADA-Compliance on ADA parking spaces

- City Attorney: Juan Gonzalez - City's ability to enforce ADA-compliance on ADA parking spaces is limited to two aspects:
 - Citations can be written up for using ADA spaces without proper authorization (placard/plates)
 - Space must be correctly designated and sign posted
 - Non-maintained spaces
 - Report non-maintained spots to TDLR & DOJ for their enforcement. The city's enforcement mechanism is limited to forwarding the concern to State/Federal Agencies.
- Question was asked if the Police Department was looking for more volunteers.
 - Mr. Perez: Not sure, but if you're interested, please provide your name/number and we will put you in contact with them.
- Question from the public: Can the vehicle be towed away as part of a citation?
 - Mr. Perez: I don't know the answer to that – but it can be included as part of the agenda for the next meeting. Vice-Chair Mr. Zavala approved the item for next meeting.

D. Carried from previous agenda: Possible change in ordinance to trigger an ADA inspection when a business changes hands. Response by City Attorney Juan Gonzales: It is difficult to administer due to the following reasons:

- Probable cause required for inspection on private properties
 - Citizen can report to TDLR and DOJ
- Solely a financial transaction, city not notified
 - Financial entities would have to provide information to City of El Paso. Currently, when someone buys a business, other than the folks involved in the transaction, no one would find out – so it would be difficult to be part of the inspection.
 - Ordinances do not require this notification

The events that require ADA compliance inspection

- New Construction
- Modifications to non-residential bathrooms
- Remodel/Rehab of existing structure – follows a three-tier system
 - Level 1 – Improvements are very minor (interior floor/wall finish etc). Existing accessibility cannot be diminished. No other inspection trigger
 - Level 2 Improvements – (reconfiguration of space, removal/addition of doors/windows, etc). The element that is altered must comply with relevant provisions of the 2009 International Building Code (IBC) and must be brought to current standards.
 - Level 3 Alterations – defined as alteration of more than 50% of the structure. The entire structure must comply with relevant provisions and must be brought to current standards.

E. Carried from previous agenda: Possible change in ordinance to require residential/business developers to include sidewalks in all areas – even when a vacant lot has not been developed.

- Prior Code allowed deferral until Building Permit for property issued – Cert of Occupancy would not be issued until the sidewalk was installed properly.
- Current Code allows deferral for up to 3 years after final plat approval without security deposit.

- Allows deferral for more than 3 years with security deposit and developer can request an extension
 - City will act before lapse of security bond
- City Planning Commission (CPC) can waive sidewalks under certain conditions. For example:
 - In existing single-family residential areas where sidewalks are not present and have not historically been provided
- Mr. Perez: This item was added because we wondered if a vacant lot would stay like that without sidewalks forever – and the answer is that ‘no, eventually the sidewalks will be built’.
- Mr. Gonzalez – sidewalks are built or addressed per lot – the certificate of occupancy for a new home is not issued until the sidewalk is built. If the sidewalk is not built, the home cannot be used, sold, rent, etc.
- Mr. Perez: Once the sidewalk is built, the owner holds the responsibility to maintain it (i.e. fix it).

F. Ensuring UBER/LYFT follow ADA when providing service to persons with disabilities

- Mr. Zavala: UBER stated that if they’re required to follow the proposed changes in the ordinance, they will pull out of El Paso. The current proposed amendments do account for providing services to individual with disabilities – including the transportation of someone in a wheelchair or with a service animal. This will be addressed to City Council on May 17th, 2016.
- Question from the public: If someone is in a wheelchair and they request a taxi – how will that work?
 - Mr. Perez: Current proposed ordinance language says: Any passenger requesting a vehicle that is capable of accommodating a wheelchair, the transportation company shall either provide the vehicle (either by the company itself, or by referral to another company).
 - Mr. Zavala provided some information as to how UBER works as far as pricing works – that it depends on the time of day and to the destination being taken to. Other cities have given UBER some time to comply with all terms (usually two years), created a task force to enforce/monitor and also created ordinances to prohibit discrimination related to ADA. Here in El Paso, there have been instances where a

passenger was denied service because they had a service animal.

G. Discuss lack of appointee attendance for AAC

- Mr. Zavala mentioned that the charter allows for three unexcused absences before consequences are seen – but at the end of the day, it depends on the City Rep. It's up to the group to bring up issues to Mr. Perez and the City Attorney. Without the group, the community does not have a voice. And without quorum, the consistency is going to drop. If members do not attend, the City needs to do something about it.
- Mr. Perez – The City does ask for a report on attendance and if someone does not attend, they may take further action.
 - Question from the public: Is there any type of policy written that after x number of times of not attending, the person may be removed.
 - Mr. Perez – Not aware of such policy but will research the bylaws. If the policy is not there, the committee can make a recommendation to add language to the bylaws regarding this.
- Mr. Zavala – it's up to us to go in front of city council, the AAC and to voice concerns. It's also up to this group to bring up items for the agenda – sometimes people say 'why is it always you adding items to the agenda'. Anybody here can bring items to us for discussion.

V. Next meeting Location

- May 26th, 2016 – Sun Metro Transit Operations Center at 10151 Montana @ 3:00 p.m.

VI. Adjournment – 4:10 PM